



PATENT APPLICATION

TECH CENTER 1600/2900

JUL 09 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
Kazuya TAKENOUCHI, et al.

Docket No: Q67010

Appln. No.: 10/035,217

Group Art Unit: 1616

Confirmation No.: 4555

Examiner: Sabiha Naim Qazi

Filed: January 04, 2002

For: VITAMIN D3 DERIVATIVE AND TREATING AGENT FOR INFLAMMATORY
RESPIRATORY DISEASE USING SAME

SUBMISSION OF TERMINAL DISCLAIMER

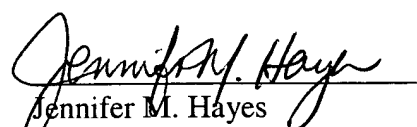
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Terminal Disclaimer in the above-identified application. A check in the amount of \$110.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this Submission is attached.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
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Jennifer M. Hayes
Registration No. 40,641

WASHINGTON OFFICE



23373

PATENT TRADEMARK OFFICE

Date: July 3, 2003



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Alexandria, VA 22313-1450

Sir:

The undersigned, on behalf of the petitioner, TEIJIN LIMITED, represents that the petitioner, TEIJIN LIMITED is the owner of the entire right, title and interest of U.S.

Application No. 09/830,167, filed on January 4, 2002, for Vitamin D3 Derivative and Treating Agent for Inflammatory Respiratory Disease Using Same by virtue of an Assignment from all of the inventors thereof executed on March 9, 2001, recorded on April 23, 2001 at Reel 011878, Frame 0868, now issued as U.S. Patent 6,531,460 as well as the entire right, title and interest in the above-captioned U.S. Application No. 10/035,217 by virtue of an Assignment from all of the inventors thereof executed on March 9, 2001, recorded on April 23, 2001, at Reel 011878, Frame 0868.

Petitioner hereby certifies that the above-mentioned Assignments have been reviewed and to the best of petitioner's knowledge and belief, title is in petitioner who is seeking to take this action.

Petitioner hereby disclaims the terminal part of any patent granted on the above-captioned U.S. Application No. 10/035,217 which would extend beyond the expiration of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,531,460, and hereby agrees that any patent so granted on the above-captioned U.S. Application No. 10/035,217 shall be enforceable only for and during such period that the legal title to U.S. Patent 6,531,460 shall be the same as the legal title to said patent issuing from the above-captioned U.S. Application No. 10/035,217, this agreement to run with any patent granted on the above-captioned U.S. Application No. 10/035,217 and to be binding upon the grantee, its successors or assigns.


Petitioner does not disclaim any terminal part of any patent granted on the above-captioned U.S. Application No. 10/035,217 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,531,460 in the event that U.S. Patent 6,531,460 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a Reexamination Certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Terminal Disclaimer
U.S. Patent Application Ser. No.: 10/035,217

Attorney Docket No. Q67010

The undersigned whose signature and title appear below is empowered to act on behalf of
petitioner.

Respectfully submitted,


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Date: July 3, 2003